

"previously **added**", and not "previously presented". Applicants now submit a copy of the sample sheet of status identifiers provided by the Patent Office showing that the proper status is "previously added". Therefore, Applicants submit that the claims were properly identified and therefore compliant with the rule as pending on June 20, 2003.

For the record, Applicants note that the captioned Examiner contacted Applicant's representative on October 30, 2003, and stated that the Response filed on June 20, 2003, had been misplaced. As a courtesy to the Examiner, Applicants' representative faxed a copy of the Response and Amendment to the Examiner on October 30, 2003.

Subsequently, Applicants received the current Notice of Non-Compliance for an amendment that was filed properly on June 20, 2003, and in accordance with the rules as set forth at the time of filing but which is now alleged to be non-compliant with a rule that took effect after the amendment was originally filed.

Accordingly, Applicants respectfully traverse the Notice of Non-Compliance because because the Response was in accordance with the rules regarding status identifiers effective at the time of filing, i.e. June 20, 2003. However, in the interest of advancing prosecution, Applicants have now changed the status identifier from "previously added" to "previously presented" for the claims 15-26.

But since the delay regarding entry of the amendment is solely due to Patent Office error, Applicants request **adjustment of patent term** that accounts for the delay since June 20, 2003, upon issuance of the captioned application.

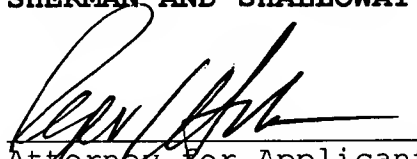
CONCLUSION

In light of the foregoing, Applicants submit that the previously submitted amendment of June 20, 2003, which was resubmitted by the Examiner on October 30, 2003, because the amendments was misplaced by the Patent Office, is now compliant with the rules as promulgated on July 30, 2003, despite being properly filed on June 20, 2003.

Respectfully submitted,

SHERMAN AND SHALLOWAY

SHERMAN AND SHALLOWAY
413 N. Washington Street
Alexandria, Virginia 22314
703-549-2282



Attorney for Applicants
Roger C. Hahn
Reg. No. 46,376